

### **REMARKS**

The Examiner is thanked for the review of the patent application. Claims 1-16 are pending.

#### **Objections to the Drawings**

Applicants respectfully submit that, due to the amendment of the specification (amendment to the paragraph starting on page 17 line 19 and ending on page 18 line 6 of the patent application as originally filed), Figures 2A and 2B include the proper reference number for the term "application layer." Specifically, the reference number for the "application layer" in the specification has been corrected to correspond to the reference number for the "application layer" as shown in the drawings. Therefore, the reference number for the application layer in Figures 2A and 2B properly matches the reference number for the application layer in the as amended specification. Applicants submit that this is merely a correction of a typographic error and therefore does not add new matter. Consequently, due to the amendment to the specification, Applicants respectfully submit that the drawings do not require amending and respectfully request that the objections to the drawings be withdrawn.

#### **Objections to the Specification**

The title of the patent application has been amended as requested by the Examiner. The specification has also been amended to update the information regarding the co-pending U.S. patent application. Therefore, Applicants respectfully request that the objections to the specification be withdrawn. Applicants submit that the amendments do not add new matter.

**Rejections under 35 U.S.C. § 103**

Claims 1-3, 6, 8-11, 14, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Reza et al. (U.S. Patent Application Publication No. 2002/0085549)(hereinafter "Reza") in view of "Technical White Paper", VMware, Inc. (hereinafter "white paper"). Applicants respectfully traverse this rejection. As discussed below, the cited prior art references do not disclose or suggest all of the features of the claimed invention to raise a prima facie case of section 103 obviousness against independent claims 1 and 9.

Reza discloses the use of transitional transmission sessions so that the migration of a mobile host from one coverage area to another is transparent to the network application running on the mobile host. The white paper discusses the encapsulation of the execution of a virtual machine that can later be restored on a same machine or a different machine. The Office states, and the Applicants agree, that the Reza reference does not disclose the feature of establishing one or more open network connections between said compute capsule and one or more compute capsules.

The white paper states that the VMware virtual platform encapsulates the execution of the virtual machine and that the state of the virtual machine can be restored later. Applicants respectfully submit that the cited portions of the white paper does not disclose or suggest establishing one or more open network connections between the compute capsule and one or more compute capsule. The Office is respectfully directed to the 6<sup>th</sup> paragraph of page 5 of 7 of the white paper which states in pertinent part:

Isolation-The Virtual Platform uses hardware protection mechanisms to isolate virtual machines from each other, and other virtual machines from the host operating system. (Emphasis Added.)

Therefore, Applicants respectfully submit that the encapsulated execution of the virtual machine as taught in the white paper do not communicate with other encapsulated virtual

machines. In contrast, in the claimed invention, the open network connections are established between said compute capsule and one or more other compute capsules. Moreover, because the cited portions of the white paper do not teach the establishing of the one or more open network connections, it follows that the cited portions of the white paper do not teach the re-establishing of said open network connection. Therefore, Applicants respectfully submit that the cited portions of Reza and the white paper individually or in combination do not teach all of the features of the claimed invention. As a result, Applicants respectfully submit that the Office fails to raise a prima facie case of obviousness against the independent claims 1 and 9. In addition, Applicants respectfully submit that the dependent claims are allowable for at least the reasons as the independent claims.

Claims 4 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Reza et al. (U.S. Patent Application Publication No. 2002/0085549)(hereinafter "Reza") in view of "Technical White Paper", VMware, Inc. (hereinafter "white paper") in further view of Golla et al (U.S. Patent No. 6,587,874B1)(hereinafter "Golla"). Applicants respectfully submit that claims 4 and 12 are allowable for at least the same reasons as discussed above because, at the least, none of the cited portions of the Reza, white paper, and Golla references individually or in combination do not teach the establishing of the one or more open network connections or re-establishing the one or more open network connections. Consequently, the cited prior art references fail to raise a prima facie case of obviousness against claims 4 and 12.

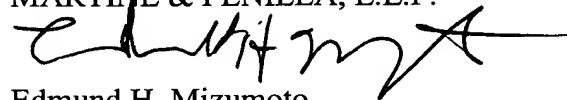
#### **Allowable Claims**

The Office has stated that claims 5, 7, 13, and 15 define allowable subject matter and would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

**Application No. 09/816,996**  
**Amendment dated September 20, 2004**  
**Response to Office Action mailed May 20, 2004**

In view of the foregoing, Applicants submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6900 ext. 6927. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. SUNMP587).

Respectfully submitted,  
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